

REMARKS

This responds to the final office action of 29 November 2007 which rejected claims 1-20. Paragraph 3 of the office action rejected claims 1-10 and 12-20 under 35 U.S.C. 103(a) over U.S. patent application 2004/0235518 to Beyette et al in view of U.S. patent application 2003/0157929 to Janssen et al. The office action also rejected dependent claim 11 under 35 U.S.C. 103(a) over the combination of Beyette, Janssen, and Schornack 6,775,522. All rejections are respectfully traversed.

Independent Claims 1, 8, and 12 have been amended to better characterize the differences between the claimed invention and the cited art. Claim 4 has been amended to correct a typographic error in the preamble thereof. Claims 1-20 are resubmitted for further consideration.

None of the cited art teaches the claimed structure. Janssen, alone or in combination, fails to teach the claimed structure. Janssen teaches only a cordless handset that is not coupled to a unique corresponding base element. Instead, Janssen couples his cordless phones to single base element in common with other cordless handsets. Jansen does not teach a structure whereby a standard generic vintage telephone (or cordless handset or fax machine or any other standard land-line device) may be coupled to a unique wireless interface that extends signals from the generic phone to a cellular telephone network. The term "generic telephone" shall be understood as referring the well known vintage generic (black) phone which is still available (in new, used, or reconditioned state). The generic telephone has been used for generations as a land-line device connected to inside house wiring. It is used in the present invention in conjunction with a wireless interface to provide economical cellular service and eliminates the need for inside house wiring for those who wish to avoid expensive alternatives.

Claims 1, 8, and 12 have been amended to recite that their claimed generic land-line phones are operable for use with unique wireless interfaces or alternatively may be used with conventional land-line systems.

Beyette is a step backward in the art since it requires a conventional landline network 14. Applicant's invention eliminates the need for a conventional landline and its inherent cost and numerous other disadvantages.

Traverse of the 35 U.S.C. 103(a) Rejection of Claims 1-10 and 12-20

The 35 U.S.C. 103(a) rejections of claims 1-10 and 12-20 are traversed. A first reason for traverse is that the cited references, taken singularly or in combination, do not disclose all of the claimed elements. A second reason for traverse is that the cited references, even if they could be combined, would not make the claimed invention obvious per 35 U.S.C. 103(a). A third reason for traverse is that the examiner's proposed combination of references fails meet the requirements of a 35 U.S.C.103(a) rejection since the examiner's assertions do not establish a prima facie case of obviousness or motivation to combine.

The present invention permits a conventional existing generic land-line phones to bypass the house wiring and the public telephone network. This is achieved in accordance with the present invention, as shown on Figure 1, by coupling each existing remote generic land-line phone (120, 125) to a series connection comprising a plurality of wireless interfaces (110, 112) and via a wireless interface (103) to a base (102) adapted to removably receive a cell phone (100). Each remote wireless interface (110, 112) is individual to a different remote land-line phone (120, 125).

In accordance with the present invention, a call initiated by a calling generic land-line phone (120, 125) is extended to wireless interface (103) via the wireless interface (110, 112) individual to the calling generic land-line phone (120,125). The call is further extended from wireless interface (103) to cell phone (100) which forwards the call to a called station of the cellular network (130). The same elements serve incoming calls directed to a remote land-line phone (120, 125).

Janssen requires that the homeowner's existing generic land-line phone system be replaced by cordless phone handsets (220) which communicate directly with his single interface (100) having a cradle adapter (120) adapted to receive cell phone (115). The Janssen cordless handsets (220) transmit directly to his single interface 100 and via cell phone 115 to a cellular network. Jansen's cordless handsets (220) are all wirelessly coupled to common base station 100 that extends the signals from the handsets to a cellular network.

Amended independent claims 1, 8, and 12, in essence, recite: a first wireless interface (103) individual to a cell phone base (102) and a plurality of remote wireless

interfaces (110, 112) each of which is individual to a different one of the generic remote land-line telephones (120, 125). A call received from cellular network (130) is extended via cell phone (100) to the remote generic land-line telephones (120,125). The call path includes cell phone (100), wireless interface (103) of cell phone base (102), and the remote wireless interfaces (110, 112) individual to the remote generic land-line telephones (120, 125) and further to the remote generic land-line telephones (120, 125).

The wireless interfaces (110, 112) individual to the remote land-line phones (120, 125) distinguish the presently claimed invention from the prior art. It is these interfaces that permit call connections to be established via cell phone (100) to the remote generic land-line phones (120, 125) from cellular network (130). The present amendment to claims 1, 8, and 12 further distinguish the present invention from the prior art.

The claimed system is distinguishable from Janssen taken singularly or in combination with Beyette. Janssen requires cordless handsets (220). Beyette discloses a conventional land-line telephone (34) connected by a land-line interface 26 to a land-line network 14 of a house. The Beyette land-line telephone (34) is directly connected by land-line interface (26) and network 14 to his cellular transceiver (7). Neither Janssen nor Beyette disclose a system having a centralized cell phone that is connected signal-wise to a plurality of remote land-line phones via a plurality of wireless interfaces each of which is individual to a different remote land-line phone.

In his 35 U.S.C. 103(a) rejections, the examiner asserts that:

"It would have been obvious for one of ordinary skill in art at the time the invention was made to modify Beyette's system to include the interface is a wireless interface and the network is a wireless network, as taught by Janssen, for the advantage of using cellular telephone service to replace altogether traditional wired telephone service in the home or office ([0005])."

This statement is replete with errors. First of all, the examiner failed to explain how Beyette could connect a plurality of his land-line telephones (34) to a "plurality of wireless interfaces". The interface (26) of Beyette is not wireless. It is connected to network 14 and to cellular transceiver (7). The examiner failed to explain why one would be motivated to combine Beyette with Janssen. An assertion does not prove prima facie "obviousness"

merely because the examiner states this to be the case. The examiner's statement has no probative value to establish a prima facie case of obviousness or motivation to combine.

Even if such a combination were operationally possible, the resulting combination would not anticipate or make obvious applicant's claims. Applicant's claims require a remote generic land-line phone (120, 125) to be connected serially by a unique one of wireless interfaces (111, 113) via wireless interface 103 to cell phone (100).

The examiner's comments in rejecting independent claims 8 and 12 are traversed for the same reasons as claim 1. Dependent claims 2-7, 9-11, and 13-20 should be allowable as being dependent on one of independent claims 1, 8, and 12 which are believed to be allowable. Further, these dependent claims recite method steps or structure not shown in or made obvious by the examiner's cited combination.

Attached Rule 132 Affidavit by Carbonaro

The attached rule 132 affidavit by the inventor Joseph A. Carbonaro is directed to the issue of obviousness in view Beyette and Janssen. The inventor states in his affidavit that it would have not been obvious to him to combine the cited references. He further states that/ even if they could be combined, they would still not render his claimed invention obvious. The inventor pointed out that, in the real world, inventors or experimenters do not combine different structures to achieve self gratification without more. Instead, the inventor pointed out that, in the real world, inventors and experimenters attempt to combine various structures for the purpose of solving a meaningful problem facing society. The presently claimed invention solves the worthwhile problem of providing low cost communications service to underprivileged people and societies in rural or undeveloped areas. It is these people who cannot presently afford communication equipment using expensive facilities such as cordless phones, cell phones, and landline facilities inside a structure - i.e., the high cost of communication service associated with cell phones, cordless phones and arrangements that require the installation of expensive inside a house wiring.

The present invention solves all of these problems. The cited in art solves none of these problems. Beyette requires the use of inside house wiring, which is not affordable to many. Janssen requires the use of expensive cordless phones. Combining Janssen with

Beyette would be a meaningless act and would not solve the problems to which the present invention is directed. The only reason for combining the cited art proposed by the examiner would be to use 20/20 hindsight in an attempt to duplicate applicant's invention. Combining Janssen with Beyette would achieve the meaningless task of providing a system in which a cordless phone requires inside house wiring unaffordable to many. Combining Beyette with Janssen would achieve the meaningless goal of requiring the installation of expensive facilities such as cord or cellular phones and unwanted inside house wiring. The examiner's proposed commendation is a backward step in art that would be commercially useless. It would achieve the undesirable goal of increasing the cost of communication facilities for those less able to afford such costs.

It is a truism that "anything can be combined with anything." A housefly could be combined with elephant. The resultant combination would be useless. Other nonsensical combinations come to mind. A load of coal could be combined with a space shuttle. Gasoline could be combined with sea water. Other examples are numerous. The point of all this is there is nothing magical in asserting that two elements could be combined. What is relevant is that the assertion should also establish the advantage of such combination to society.

Traverse of the Rejection of Dependent Claim 11

The rejection of claim 11 in view of the combination of Janssen, Beyette, and Schomack is traversed. This rejection need not be discussed further since claim 11 should be allowable as being dependent on independent claim 8 which is believed to be allowable as above discussed.

Legal Inadequacy of the 35 U.S.C. 103(a) Rejections

The 35 U.S.C. 103(a) rejections of claims 1-20 fails to establish a prima facie case of obviousness or motivation to combine. The examiner asserted that it would be obvious to combine Beyette with Janssen. The examiner's rejection is nothing more than an unsupported assertion based on impermissible 20/20 hindsight using knowledge gained from a reading of the applicant's application followed by the use of this knowledge against the applicant. An assertion of obviousness requires evidence supporting the establishment

of a prima facie case of obviousness or motivation to combine. It further requires a statement of the problem solved by the asserted combination. An obviousness rejection without such evidence is improper and devoid of merit.

The examiner is respectfully referred to sections 2142 and 2143 of the MPEP which describe what is required to establish a prima facie case of obviousness. These sections state that if the examiner does not produce evidence supporting a prima facie case of obviousness, the applicant is under no obligation to submit evidence of nonobviousness.

Section 2142 requires that the prior art references must teach or suggest all of the limitations of the rejected claims. The cited references fail this test. The mere fact that it might be possible or desirable to combine Janssen with Beyette is not sufficient. An obviousness rejection proposing a combination of references should contain sufficient information so that it can be understood what the examiner is suggesting and how the references are to be combined. Design level details are not required. However, more is required than the mere assertion that the references could be combined. Section 2143 states: "The fact that a reference can be modified is not sufficient to establish a prima facie case of obviousness". Persuasive reasons must be presented indicating how the proposed combination could be achieved. The examiner is respectfully requested to specify what elements of Beyette are to be combined with what elements of Janssen to achieve a resultant operational structure that allegedly makes obvious applicant's claims.

It is respectfully submitted that all claims of the application are patentably distinguishable from the cited art and should be in condition for allowance.

The Examiner is respectfully requested to call the undersigned if the prosecution of the application can be expedited by so doing.

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Respectfully submitted,

/Donald M. Duft/

SIGNATURE OF PRACTITIONER

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